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*Attorneys for Plaintiffs Steven F. Fitz,
 John Tarantino, and the Class*

**UNITED STATES DISTRICT COURT FOR
 THE NORTHERN DISTRICT OF CALIFORNIA**

**CHELSEA, LLC, MARK RUSSO,
 ALLEN LORETZ, and IVAN
 SIMPSON, individually and on
 behalf of all others similarly
 situated,**

Plaintiffs,

v.

**REGAL STONE, LTD., HANJIN
 SHIPPING, CO., LTD., CONTI
 CAIRO KG, NSB NEIDERELBE,
 SYNERGY MARITIME, LTD. In
 Personam; M/V COSCO BUSAN,
 their engines, tackle, equipment,
 appurtenances, freights, and cargo
 In Rem,,**

Defendants.

CASE NO.: C-07-5800-SC

**DECLARATION OF
 STEVEN F. FITZ IN SUPPORT OF
 PLAINTIFFS' EX PARTE MOTION
 FOR AN ORDER TO SHOW CAUSE
 WHY A PROTECTIVE ORDER TO
 SUPERVISE AND LIMIT
 COMMUNICATIONS WITH
 PUTATIVE CLASS MEMBERS
 SHOULD NOT ISSUE**

Date: -----

Time: -----

Ctrm: 1, 17th Floor
 Hon. Samuel J. Conti

1 I, STEVEN F. FITZ, declare as follows:

2 1. I am a plaintiff in *Tarantino, et al. v. Hanjin Shipping Co., Ltd.*, San
3 Francisco County Superior Court Case No. CGC-07-469379. I have personal
4 knowledge of the following matters, and I can and will competently testify to
5 them.

6 2. I am a commercial Dungeness crab fisherman operating out of Half
7 Moon Bay. I have earned a living as a commercial fisherman for over 35 years,
8 the last 27 of which I have commercially fished for Dungeness crabs in the San
9 Francisco Bay Area.

10 3. Hudson Marine has established a claims process whereby Dungeness
11 crab fishermen economically injured by the oil spill caused by the collision of the
12 M/V Cosco Busan with the Bay Bridge on November 7, 2007 ("Oil Spill") may
13 seek compensation for those injuries ("Claims Process").

14 4. I have suffered and continue to suffer economic injuries caused by
15 the Oil Spill.

16 5. On or about December 13, 2007, a fellow Dungeness crab fisherman
17 named Michael McHenry met with a representative Hudson Marine named Harry
18 Bolton.

19 6. Mr. McHenry asked Mr. Bolton, as Hudson Marine's representative,
20 whether I could not participate in the Claims Process.

21 7. Mr. Bolton as Hudson Marine's representative, informed Mr.
22 McHenry that because I am a plaintiff in an action against Regal Stone, Ltd. and
23 others responsible for the Oil Spill I could not file a claim with Hudson Marine
24 for compensation for the economic injuries I have suffered and continue to suffer
25 as a result of the Oil Spill. At the same meeting, Mr. Bolton allowed Mr.
26 McHenry to file a claim and gave him an advance payment.
27
28

1 8. The San Francisco Bay Area commercial fishing community
2 ("Community"), of which I am a member, is close-knit, and information travels
3 quickly amongst its members.

4 9. The knowledge that I along with my co-lead plaintiff, John
5 Tarantino, were not allowed to participate in the Claims Process because we were
6 plaintiffs in an action against Regal Stone, Ltd. and others responsible for the Oil
7 Spill quickly circulated through the Community.

8 10. This knowledge influenced many members of the Community to
9 forsake participation in the class action in which I am a co-lead plaintiff.

10 11. The knowledge that I was being denied participation in the Claims
11 Process because of my role as lead plaintiff while others were being allowed to
12 participate caused me to question the judgment of my attorneys and my decision
13 to act as lead plaintiff in the class action.

14 12. It has become known among the community that if you were part of
15 the class action, Hudson Marine would not speak with you.

16 13. Hudson Marine has also encouraged the perception among members
17 of the Community that they were interested in quickly getting year 2007 "off the
18 books," and thus fishermen who participated in the Claims Process would quickly
19 get paid.

20 I declare under penalty of perjury under the laws of the State of California
21 that the foregoing is true and correct. Executed this 9th day of January, 2008, at
22 Burlingame, CA.

23
24 
25 STEVEN F. FITZ
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